

August 7, 2024

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
By: RR
Deputy

UNITED STATES OF AMERICA

Plaintiff,

v.

(1) JONATHAN LINARES LUMBRERAS
(2) ROXANNE MARIE HERRERA
(3) EDWARD CLINTON SMITH

Defendants.

Case No: SA:24-CR-00363-FB

INDICTMENT

**COUNT 1: 21 U.S.C. §§ 846, 841(a)(1), & (b)(1)(A)/(B)
Conspiracy to Possess with Intent to Distribute Cocaine**

COUNTS 2-4: 21 U.S.C. §§ 841(a)(1) & (b)(1)(B)/(C) & 18 U.S.C. § 2 Possession with Intent to Distribute Cocaine; Aiding & Abetting

**COUNT 5: 18 U.S.C. § 922(g)(1)
Felon in Possession of a Firearm**

THE GRAND JURY CHARGES:

COUNT ONE
Conspiracy to Possess with Intent to Distribute Cocaine
[21 U.S.C. §§ 846, 841(a)(1), & (b)(1)(A)/(B)]

That from on or about February 2024 and continuing until July 9, 2024, in the Western District of Texas, Defendants,

**(1) JONATHAN LINARES LUMBRERAS,
(2) ROXANNE MARIE HERRERA, and
(3) EDWARD CLINTON SMITH,**

knowingly, intentionally, and unlawfully conspired, combined, confederated, and agreed with others, to commit the following offense against the United States: possession with intent to distribute a mixture or substance containing a detectable amount of cocaine, a Schedule II Controlled Substance, in violation of Title 21, United States Code, Sections 841(a)(1) &

(b)(1)(A)/(B).

QUANTITY OF CONTROLLED SUBSTANCE INVOLVED IN THE CONSPIRACY

The quantity of the mixture or substance containing a controlled substance involved in the conspiracy and attributable to each Defendant as a result of each Defendant's own conduct and as a result of the conduct of other conspirators reasonably foreseeable to each Defendant is as follows:

DEFENDANT	QUANTITY
(1) Jonathan Linares Lumbreras	5 kilograms or more of a mixture or substance containing a detectable amount of cocaine;
(2) Roxanne Marie Herrera	5 kilograms or more of a mixture or substance containing a detectable amount of cocaine;
(3) Edward Clinton Smith	500 grams or more of a mixture or substance containing a detectable amount of cocaine;

All in violation of Title 21, United States Code, Section 846.

COUNT TWO
Possession with Intent to Distribute Cocaine
[21 U.S.C. §§ 841(a)(1) & (b)(1)(C) & 18 U.S.C. § 2]

That on or about April 11, 2024, in the Western District of Texas, Defendants,

(1) JONATHAN LINARES LUMBRERAS, and
(2) ROXANNE MARIE HERRERA,

aided and abetted by each other, and others, knowingly, intentionally, and unlawfully possessed with intent to distribute a controlled substance, which offense involved a mixture or substance containing a detectable amount of cocaine, a Schedule II Controlled Substance, in violation of Title 21, United States Code, Sections 841(a)(1) & (b)(1)(C), and Title 18, United States Code, Section 2.

COUNT THREE
Possession with Intent to Distribute Cocaine
[21 U.S.C. §§ 841(a)(1) & (b)(1)(C) & 18 U.S.C. § 2]

That on or about April 18, 2024, in the Western District of Texas, Defendants,

(1) JONATHAN LINARES LUMBRERAS, and
(2) ROXANNE MARIE HERRERA,

aided and abetted by each other, and others, knowingly, intentionally, and unlawfully possessed with intent to distribute a controlled substance, which offense involved a mixture or substance containing a detectable amount of cocaine, a Schedule II Controlled Substance, in violation of Title 21, United States Code, Sections 841(a)(1) & (b)(1)(C), and Title 18, United States Code, Section 2.

COUNT FOUR
Possession with Intent to Distribute Cocaine
[21 U.S.C. §§ 841(a)(1) & (b)(1)(B) & 18 U.S.C. § 2]

That on or about July 9, 2024, in the Western District of Texas, Defendants,

(1) JONATHAN LINARES LUMBRERAS,
(2) ROXANNE MARIE HERRERA, and
(3) EDWARD CLINTON SMITH,

aided and abetted by each other, and others, knowingly, intentionally, and unlawfully possessed with intent to distribute a controlled substance, which offense involved 500 grams or more of a mixture or substance containing a detectable amount of cocaine, a Schedule II Controlled Substance, in violation of Title 21, United States Code, Sections 841(a)(1) & (b)(1)(B), and Title 18, United States Code, Section 2.

COUNT FIVE
Felon in Possession of a Firearm
[18 U.S.C. § 922(g)(1)]

That on or about July 9, 2024, in the Western District of Texas, Defendant,

(2) ROXANNE MARIE HERRERA,

knowing he had previously been convicted of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed at least one firearm, that is, a Ruger, model EC9S, 9mm caliber pistol, serial number 62-81383, and a Springfield Armory USA, model XD-40, .40 caliber pistol, serial number US382991, and said firearm had been shipped and transported in interstate and foreign commerce, in violation of Title 18, United States Code, Section 922(g)(1).

NOTICE OF UNITED STATES OF AMERICA'S DEMAND FOR FORFEITURE

[See FED. R. CRIM. P. 32.2]

I.

Drug Violations and Forfeiture Statutes

[Title 21 U.S.C. §§ 846, 841(a)(1) and (b)(1)(A)/(B)/(C), subject to forfeiture pursuant to Title 21 U.S.C. § 853(a)(1) and (2)]

As a result of the foregoing criminal violations set forth in Counts One through Four, the United States of America gives notice to the Defendants of its intent to seek the forfeiture of the property described below upon conviction and pursuant to Fed. R. Crim. P. Rule 32.2 and Title 21 U.S.C. § 853(a)(1) and (2), which state:

Title 21 U.S.C. § 853. Criminal forfeitures

(a) Property subject to criminal forfeitures.

Any person convicted of a violation of this subchapter or subchapter II of this chapter punishable by imprisonment for more than one year shall forfeit to the United States, irrespective of any provision of State law –

- (1)** any property constituting, or derived from, any proceeds the person obtained, directly or indirectly, as the result of such violation;
- (2)** any of the person's property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violation; ...

II.

Firearms Violation and Forfeiture Statutes

[Title 18 U.S.C. § 922(g)(1), subject to forfeiture pursuant to Title 18 U.S.C. § 924(d)(1), made applicable to criminal forfeiture by Title 28 U.S.C. § 2461]

As a result of the criminal violation set forth in Count Five, the United States of America gives notice to Defendant ROXANNE MARIE HERRERA of its intent to seek the forfeiture of the property described below upon conviction and pursuant to Fed. R. Crim. P. 32.2 and Title 18 U.S.C. § 924(d)(1), made applicable to criminal forfeiture by Title 28 U.S.C. § 2461, which states:

Title 18 U.S.C. § 924. Penalties

(d)(1) Any firearm or ammunition involved in or used in any knowing violation of . . . section 922 . . . shall be subject to seizure and forfeiture . . . under the provisions of this chapter. . .

This Notice of Demand for Forfeiture includes but is not limited to the following property described below:

III.
Property

1. Ruger, model EC9S, 9mm caliber pistol, serial number 62-81383;
2. Springfield Armory USA, model XD-40, .40 caliber pistol, serial number US382991; and
3. Any and all firearms, ammunition, and/or accessories involved in or used in the commission of the criminal offense.

A TRUE BILL .

FOREPERSON OF THE GRAND JURY

JAIME ESPARZA
UNITED STATES ATTORNEY

BY:



BRIAN NOWINSKI
Assistant United States Attorney